

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; KEVIN SPRUILL;
ROTESHA MCNEIL; QIANA ROBERTSON;
YOUSSEF JALLAL; MESSIEJAH BRADLEY;
PAULINO CASTELLANOS; ROBERT
LEWIS; and ALLEN SIFFORD, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity as
the Sheriff of Wake County; BRIAN ESTES, in
his official capacity as the Sheriff of Lee
County; THE OHIO CASUALTY
INSURANCE COMPANY, as surety for the
Sheriff of Wake County and as surety for the
Sheriff of Lee County; TYLER
TECHNOLOGIES, INC.; NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE
COURTS; RYAN BOYCE, in his official
capacity as the Executive Director of the North
Carolina Administrative Office of the Courts;
BRAD FOWLER, in his official capacity as the
eCourts Executive Sponsor and Chief Business
Officer of the North Carolina Administrative
Office of the Courts; BLAIR WILLIAMS, in
his official capacity as the Wake County Clerk
of Superior Court; SUSIE K. THOMAS, in her
official capacity as the Lee County Clerk of
Superior Court; JOHN DOE SURETY, as the
surety for the Wake County Clerk of Superior
Court and the Lee County Clerk of Superior
Court; and DOES 1 THROUGH 20,
INCLUSIVE,

Defendants.

**CONSENT MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANTS'
MOTIONS TO DISMISS**

Plaintiffs in the above-captioned action, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), hereby respectfully request the Court for permission to extend the time to respond to Defendants' Motions to Dismiss. Defendants consent to this motion. In support of this motion, Plaintiffs state the following:

1. Plaintiffs initiated this action on May 23, 2023. *See* ECF No. 1.
2. Plaintiffs filed a First Amended Complaint ("Complaint") on October 27, 2023. *See* ECF No. 30. This is the operative Complaint.
3. Defendants Tyler Technologies, Inc., Sheriff Willie Rowe and Sheriff Brian Estes, initially had until November 17, 2023 to respond to the operative Complaint.
4. Defendants North Carolina Administrative Office of the Courts, Ryan Boyce, Brad Fowler, Blair Williams, and Susie Thomas ("State Defendants") were newly named in the operative Complaint. These Defendants waived service. Accordingly, they had until January 16, 2024 to respond.
5. Defendants Tyler, Sheriff Estes and Sheriff Rowe each filed motions seeking thirty-day extensions of time to respond to the operative Complaint. ECF Nos. 33-35. Plaintiffs consented to these extension motions and the Court granted each of the Defendants' motions, extending the time to respond to the Complaint up to and including December 13, 2023.
6. On November 30, 2023, Defendant Tyler sought a second extension of time to respond to the Complaint. This request sought up to and including January 16, 2024, to respond. Plaintiffs consented to this extension. On December 5, 2023, Tyler's second extension request was granted by the Court. ECF No. 47.

7. On December 5, 2023, Defendant Sheriff Rowe likewise sought a second extension of time to respond, up to and including January 16, 2024. Plaintiffs consented to this extension. On December 12, 2023, Sheriff Rowe's second extension request was granted by the Court. ECF No. 52.

8. After these extension requests were granted, the response date to the operative Complaint for Defendants Tyler, Sheriff Rowe, and the State Defendants was January 16, 2024.

9. On December 6, 2023, Defendant Estes filed a Motion to Dismiss the Complaint. ECF No. 49. Under Local Rule 7.3(f), Plaintiffs' deadline to respond to this motion was December 27, 2023.

10. In order to align the response dates to Defendants' motions, Plaintiffs sought an extension of time up to and including February 6, 2024, to respond to Sheriff Estes' motion to dismiss. On December 22, 2023, the Court granted this motion. ECF No. 57.

11. On January 16, 2024, Defendants Tyler, Sheriff Rowe and the State Defendants each filed motions to dismiss the Complaint.

12. Plaintiffs' response to each of the pending motions to dismiss the Complaint is due on or before February 6, 2024.

13. Plaintiffs seek a thirty-day extension to respond to Defendants' motions. This will make Plaintiffs' response due on or before March 7, 2024.

14. Plaintiffs' motion is filed in good faith and not for purposes of gamesmanship or delay.

15. Pursuant to Local Civil Rule 6.1 and prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants, who consented to this motion.

16. Plaintiffs respectfully submit that good cause exists for granting this motion, based on the above-described circumstances.

WHEREFORE, Plaintiffs move to extend the time to respond to Defendants Tyler, Sheriff Rowe, Sheriff Estes, and the State Defendants' motions to dismiss the complaint, and for an order scheduling Plaintiffs' new deadline for March 7, 2024, inclusive.

* * * Signature Block Appears on Next Page * * *

Respectfully submitted this the 18th day of January 2024.

/s/ Abraham Rubert-Schewel
Abraham Rubert-Schewel (NCSB #: 56863)
Email: schewel@tinfulton.com
Gagan Gupta (NCSB #: 53119)
Email: ggupta@tinfulton.com
Zachary William Ezor (NCSB #: 55070)
Email: zezor@tinfulton.com
TIN FULTON WALKER & OWEN PLLC
119 Orange Street, FLOOR 2
Durham, NC 27701
Telephone: (919) 307-8400

*Counsel for Plaintiffs on behalf of
themselves and all others similarly situated*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the attorney is, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, copies of the foregoing will be served on the following by electronic mail or by the Court's Case Management / Electronic Case Filing ("CM/ECF") system:

Robert Lane
WAKE COUNTY SHERIFF'S OFFICE
330 S. Salisbury Street
Raleigh, NC 27602
Telephone: (919) 856-5380
Email: robert.lane@wake.gov

Gregory L. Skidmore
ROBINSON BRADSHAW
101 N. Tryon Street, Suite 1900
Charlotte, NC 28246
Telephone: (704) 377-8144
Email: gskidmore@robinsonbradshaw.com

Roger A. Askew
WAKE COUNTY ATTORNEY'S OFFICE
P.O. Box 550
Raleigh, NC 27602
Telephone: (919) 856-5500
Email: roger.askew@wakegov.com

Hampton Hunter Bruton
ROBINSON BRADSHAW
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
Telephone: (919) 328-8800
Email: hbruton@robinsonbradshaw.com

Counsel for Defendant Willie R. Rowe

Counsel for Defendant Tyler Technologies, Inc.

James R. Morgan, Jr.
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 721-3710
Email: Jim.Morgan@wbd-us.com

Frederick M. Thurman, Jr.
SHUMAKER, LOOP & KENDRICK, LLP
101 S. Tryon Street, Suite 2200
Charlotte, NC 28280
Telephone: (704) 375-0057
Email: fthurman@slk-law.com

Counsel for Defendant Brian Estes

Counsel for Defendant The Ohio Casualty Insurance Company (as Surety)

Elizabeth Curran O'Brien
NORTH CAROLINA DEPARTMENT OF JUSTICE
P.O. Box 629
Raleigh, NC 27602
Telephone: (919) 716-0091
Email: eobrien@ncdoj.gov

Counsel for Defendants North Carolina Administrative Office of the Courts, Ryan Boyce, Brad Fowler, Blair Williams and Susie K. Thomas

* * * Signature Block Appears on Next Page * * *

The undersigned attorney certifies under penalty of perjury that the forgoing is true and correct.

Respectfully submitted this the 18th day of January 2024.

/s/ Abraham Rubert-Schewel

Abraham Rubert-Schewel (NCSB #: 56863)

*Counsel for Plaintiffs on behalf of
themselves and all others similarly situated*